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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,219	10/16/2003	David M. Drouin	rio-4	9460
27087	7590	07/26/2005	EXAMINER	
MICHAEL B. EINSCHLAG, ESQ. 25680 FERNHILL DRIVE LOS ALTOS HILLS, CA 94024			CAO, ALLEN T	
			ART UNIT	PAPER NUMBER
			2652	
DATE MAILED: 07/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/688,219	DROUIN, DAVID M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allen T. Cao	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application..
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 3-6 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "may be" in claim 3 is vague and indefinite because it lacks metes and bounds of the claimed invention.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-4 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US. 6,545,839 B2).

Smith discloses a small "form factor" disk drive 11 for use in an appliance 63, which disk drive having a connector side 24, a removal side (see figures), and a lateral side (see figures); and a gripping mechanism 91 affixed to a lateral side of the disk drive

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(particularly figures 18-20); wherein a portion 95 of the gripping mechanism extends beyond the removal side, all as set forth in claim 1.

Regarding claim 3, Smith discloses that the portion is a pull tab that is "strong enough" so that it may be gripped to extract the small form factor disk drive from the appliance (column 6, lines 28-30).

Regarding claim 4, Smith inherently discloses that the pull tab is "thin enough" not to interfere with normal operation of the appliance.

Regarding claim 7, Smith discloses that the gripping mechanism is affixed with an adhesive (column 6, lines 13-15).

Regarding claim 10, Smith inherently discloses that the surface of the pull tab has "high" friction (column 4, lines 45-49).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

Regarding claim 2, Smith does not disclose that the gripping mechanism is affixed to cover substantially "all" of the lateral side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gripping mechanism affixed to cover "all" of the lateral side instead of a portion of the cover through an obvious routine choices of an

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ordinary skill in the art in order improve the attachment characteristics between the gripping mechanism and the cover.

Regarding claims 5 and 6, Smith does not disclose a door; however, Smith discloses that the gripping mechanism is flexible, stiffness and strength to return to the stowed position (column 5, lines 19-23; figures 7-8 and claims 2-3).

Therefore, assuming there is a door, one of ordinary skill in the art should recognized that the gripping mechanism should resumed it shape after the door is opened and folded by the door when it is inserted therein.

Regarding claim 8, Smith does not disclose that the gripping mechanism is about 0.025 mm thick.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the gripping mechanism of Smith with the thickness of 0.025 mm through an obvious engineering routine lab experimentation and optimization to reduce the thickness of the gripping mechanism in order to reduce the thickness of the drive, thus provide a more compact drive.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Olzak et al (US. 5,500,518).

Smith discloses that the pull-tab is roughness (column 4, lines 42-48); However, Smith does not clearly disclose that the pull tab includes protuberances.

Olzak et al discloses a memory card 16 having a gripping mechanism 2 including protuberances (10, 10A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pull tab of Smith with protuberances as taught by Olzak et al to improve the gripping characteristics.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T. Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao  
Primary Examiner